

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 15, 1947
10:35 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Gulton Morgan, City Manager; J. E. Motheral, Director of Public Works, Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Mr. John Burney submitted a plat of a resubdivision of the old Bellvue Park Addition in Travis Heights and asked that the Council approve a certain street that he had opened to serve lots owned by him facing said street, the same being an extension of Manlove Street that runs from Edgecliff Terrace south to Riverside Drive, the City Plan Commission having refused to approve said plat. The matter was referred to the City Manager and the Engineering Department for study and to find out why the City Plan Commission refused to approve said plat, and report to the Council at the next regular meeting in order that Mr. Burney may be given an answer.

Ben Wayne Greig, President and General Manager of the Austin Transit Company, submitted the following revised route for cross-town busses and bus stop changes, approved by the Traffic Bureau; said line to be inaugurated on a trial basis, beginning June 1:

Starting point at intersection of Rosewood and East 11th Street;
West on 11th Street to East Avenue;
North on East Avenue to 19th Street;
West on 19th Street to Nueces Street;
North on Nueces to 24th Street;
West on 24th Street to Windsor Road east;
South on Windsor Road east to Windsor Road;
South on Windsor Road to West Lynn;
South on West Lynn to Enfield Road;
West on Enfield Road to Hartford Road;

North on Hartford Road to Jefferson;
North on Jefferson to 29th Street;
East on 29th Street to Guadalupe;
South on Guadalupe to 19th Street;
East on 19th Street to East Avenue;
South on East Avenue to 11th Street;
East on 11th Street to point of origin.

By changing bus stops from the present stops at the northeast and southwest corners of East Avenue and East Sixth Street to the center of the parkway on the north and south sides of East Avenue, the operators will be able to take on and discharge passengers without stopping in the main line of traffic.

At the present time busses are unable to pull into the curb at the southwest corner because of the heavy concentration of parked vehicles.

By changing the bus stop from the present stop at the northeast corner of East Avenue and East First Street to the center of parkway, the operator of a westbound bus will be able to take on and discharge passengers without stopping in the right turn traffic lane.

In view of service to Holly Street which constitutes an eastbound bus turning south on East Avenue, the present stop on the southwest corner of East Avenue and East First Street should not be changed.

The City Council tentatively approved the above changes and directed that a resolution covering same be prepared for passage at the next regular meeting, and that the public be given proper notice of such changes, and further agreed to Mr. Greig's suggestion that the new schedule of route be placed in the water and light bills as a means of notifying the public of same.

Mr. Greig further submitted a request for a change in the Main and 27th Street bus line, which goes up North Guadalupe Street to 30th Street and thence east on 30th Street to Speedway, so that such route will go north on Guadalupe Street to West 30th Street, thence east on West 30th Street to Speedway, thence north on Speedway to West 31st Street, thence west on West 31st Street to the north prong of Speedway, thence over the regular route; and all southbound main line busses to reverse the route as outlined for the northbound Main and 27th Street busses.

Councilman Johnson moved that the above change in the Main and 27th Street bus line be approved, such change of route to become effective immediately. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Mr. Emmett Shelton came before the Council and stated that the County was ready to start the engineering work on the bridge to be built across the Colorado River below the Austin Dam if the City were ready to start its part of the work.

It was then moved by Councilman Thornberry that the County be authorized to make the preliminary survey for the bridge, and if the bids on the estimates to be prepared by the City and County Engineers come within the amount of the bonds voted by the City for this purpose, the City go ahead with its part of the construction. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

W. A. Schafer, Colored, submitted a written application for permission for the Schafer's Shows to show at Rosewood Park for one week, starting June 16 through June 21, under the auspices of the Negro Chamber of Commerce. It was the sense of the Council that permit be granted, subject to the proper liability and property bonds' being filed with the City.

Mr. Walter Simms came before the Council and complained of a view obstruction along Riverside Drive to Travis Heights Boulevard caused by brush. The matter was taken under advisement for an inspection on the ground.

Pursuant to published notice thereof, the public hearing on the application of W. E. Thompson for a change in zoning of Lot 30, N. A. Ladd Addition, located on the south side of Capitol Court and west of the Dallas Highway, from "A" Residence District to "C-1" Commercial District, was duly opened.

Herbert Smartt, Attorney for applicant, W. E. Thompson, appeared for the change, stating that his client proposes to erect a cafe on the property comparable to the cafes on the Dallas Highway, and that this proposed change is an extension of the "C-1" Commercial District on the Dallas Highway.

Chas. McCullough, 5000 Georgetown Road, opposed the change on the grounds that it is a very narrow street, a dead end street, and the location is not suitable for a cafe but would result in a tough beer joint, which would be very objectionable to his trailer park.

No other property owners or interested persons desiring to be heard, Councilman Thornberry moved that the hearing be closed, and the action of the Board of Adjustment be sustained and the change be not granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of Bradfield & Brush for a change in zoning, from "A" Residence District to "B" Residence District of property known as about $3\frac{1}{2}$ acres of land, triangular in shape, bounded on the north by West 19th Street, on the south by Shoal Creek Boulevard, and on the east by a subdivision to be known as Vance Park, was duly opened.

No property owner or other interested citizen appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the hearing be closed, and the action of the Board of Adjustment be sustained and the change be granted,

and the City Attorney be instructed to prepare the necessary ordinance, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

Councilman Bartholomew moved that, in accordance with the request of Louis D. Kubecka, a public hearing on the application of the said Louis D. Kubecka for a change in zoning, from "A" Residence District to "B" Residence District, of property known as a portion of Blocks 46 and 47, located between East 23 $\frac{1}{2}$ and East 24th Streets, fronting on Swisher Street, be called for Thursday, June 5, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

I. Applicant: Paz and Rosa Villegas and Bernardino L. and Herminia C. Salazar

II. Referred to the Board by the City Council on : April 24, 1947

III. Property affected:

Lots 13 and 14, Block 3, Chernosky Subdivision No. 12, being located at the southwest corner of Prado and Tillery Streets

IV. To be changed

From : "A" Residence District

To : "C" Commercial District

V. Considered by the Board on : April 24, 1947

VI. Parties appearing:

For : Bernardino L. Salazar

Against: None

VII. Action of the Board : Change to "D" Industrial District and Third Height and Area District recommended as extension of present industrial zone

For the following reasons:

1. This application is for a change in the zoning classification of two lots located at the southwest corner of Prado and

Tillery Streets to "C" Commercial District for the purpose of erecting and operating a grocery store, the need of which has been voiced by twenty adjacent property owners, and residents, a list of which was presented by the applicants and is attached, this property being located in an area which has developed rapidly since being subdivided.

2. There is an industrial zone along the railroad track which includes a part of the lots proposed to be changed, and to extend the zone would provide access to this industrial property from Prado Street.
3. The Board deemed that to change the zoning of the remaining portion of these lots by extending the present industrial zone would be more in keeping with the Master Plan and the policy of the City to encourage industrial development in the eastern section of the City near the railroad than to create a new "C" Commercial District.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the above application for change in zoning be called for Thursday, June 5, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : H. G. Linscomb

I. Referred to the Board by the City Council on : April 24, 1947

II. Property affected:

Two areas north and south of Lyons Road west of Gunter Street described as follows:

(1) North of Lyons Road: Beginning on the north side of Lyons Road at the intersection with the west line of Gunter Street, thence northerly with the west line of said Gunter Street 300 feet, thence westerly to the west line of 5-acre tract of Siegmund estate, thence southerly to north line of Lyons Road, thence easterly with said north line of Lyons Road to place of beginning.

(2) South of Lyons Road: All that part not now zoned as "D" Industrial of the tract of land lying between the Railroad right-of-way on the south, Lyons Road on the north, and the Ramsey tract on the west, in a triangular shape.

III. To be changed

From : "A" Residence District

To : "D" Industrial District

IV. Considered by the Board on : May 6, 1947**V. Parties appearing:**

For : None

Against:None

VI. Action of the Board: Change recommended from "A" Residence District and First Height and Area District to "D" Industrial District and Third Height and Area District**For the following reasons:**

1. This application is for the extension of the present industrial zone along the railroad track to include a tract of land on the north side of Lyons Road and the remainder of a tract on the south side, a part of which is already in the industrial zone, as shown on the attached plat
2. The applicant affirms that he has had an offer for the development of this property for industrial purposes if the zoning is changed.
3. The property proposed to be changed is in a section of the City where it has been the policy of the City to encourage industrial development because of railroad shipping facilities and other conveniences, a portion of which was formerly recommended by the Board to be changed to "D" Industrial District.
4. The Board deems that this property should be zoned as an industrial district, which would be an extension of the industrial zone along the railroad which is approximately 200 feet wide, to permit the further development of industry in this section of the City according to the Master Plan of the City.

(Sgd) H. F. Kuehne
Chairman. "

Councilmen Bartholomew moved that a public hearing on the above matter be called for Thursday, June 5, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicants: Ed DeVaughn and Isiah Washington

I. Referred to the Board by the City Council on: April 17, 1947

II. Property affected:

Lot 2, Block 3, Outlot 29, Division "B", Chernosky Subdivision No. 4, and Lot 1, Lesikar Subdivision, being located at the corner of Clifford Avenue and East 14th Street

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : May 6, 1947

V. Parties appearing:

For : Ed DeVaughn

Against: None

VI. Action of the Board: Recommended that four lots described as Lot 2, Block 3, Outlot 29, Division "B", Chernosky Subdivision No. 4; Lot 1, Lesikar Subdivision; Lot 12, Block 2, Chernosky Subdivision No. 4; and Lot 13, Block 1, Chernosky Subdivision No. 4 be changed to "C" Commercial District and First Height and Area

For the following reasons:

1. The application is for a change in the zoning of one lot located at the southeast corner of Clifford Avenue and East 14th Street to "C" Commercial District to permit the operation of a grocery store.
2. An application was made by Isiah Washington, owner of a lot north of and across East 14th Street from this property, for a change in the zoning of his property, which was not recommended by the Board after a hearing on June 18, 1946, since the application was for a single lot, which would create a spot zone not large enough to supply the needs of the neighborhood. At that time, the applicant could not interest others in joining him in his request for creation of a community center at this location, but since the present applicant, Ed DeVaughn, has requested his property to be changed. Isiah Washington now wishes to join in the request and have his property included in the change since he is still interested in developing it for commercial purposes, a copy of which request is hereby attached.

3. At the hearing on the application of Isiah Washington, Mr. Lesikar, owner and subdivider of this subdivision, stated that this area was rapidly developing into a well-populated residential district and that there was a need for a community center to serve this growing area.
4. There is a small area zoned as a community center approximately four blocks from the property under consideration which has never been developed for this purpose and, according to the testimony at the hearing, cannot be purchased for this class development.
5. The Board deemed that evidence proves there is a need for a community center in this area and recommends that property on the four corners of the intersection should be designated as a "C" Commercial District to provide a community center adequate in size to care for the demands of the neighborhood.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the above matter be called for Thursday, June 5, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Chas. L. Sandahl came before the Council to find out what disposition had been made of the suggestion that city employees be allowed to leave their work at 4:45 P. M. instead of 5:00 P. M. in order to alleviate traffic congestion, contained in the parking suggestions submitted to the City Council by the Traffic Committee of the Chamber of Commerce on Thursday, May 8. The Mayor advised Mr. Sandahl that this was an administrative matter, to be handled by the City Manager; and the City Manager reported that he did not favor same on account of its infeasibility.

The application of RAYMOND DELANCEY, 1110 South 5th Street, for a license to operate as a taxicab a 1941 Model, 4-door Ford Sedan, Motor No. 18-6576724, State License No. JA-3428, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILLARD L. PANNELL, 1208 West 3rd Street, for a license to operate as a taxicab a 1946 Model, 4-door Chevrolet Sedan, Motor No. DAA-3123, State License No. JA-5654, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOEL MANNING, Colored, 1810 East 12th Street, for a license to operate as a taxicab, a 1941 Model Ford Sedan, Engine No. 6365187.

State License No. JB-9257, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOEL MANNING, Colored, 1810 East 12th Street, for a license to operate as a taxicab, a 1941 Ford Sedan, Motor No. 6473146, State License No. JB-9255, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of MADELINE SMITH, Colored, 1611 East 12th Street, for a license to operate as a taxicab, a 1936 Model, 4-door Dodge Sedan, Motor No. 118203, Serial No. 4131008, State License No. JC-272, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of GARLAND MEDEARIS, Colored, 1406 Singleton Avenue, for a license to operate as a taxicab, a 1942 Model, Ford Sedan, 4-door, Motor No. 18-6855399, State License No. JC-3309, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the UNION TAXI COMPANY, 401 Neches Street, for a taxicab terminal operator's license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of INDEPENDENT CABS, 1810 East 12th Street, by Joel Manning, for a taxicab terminal operator's license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JEROME FRANCIS McGEHEARTY, 2804 Whitis Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of MILTON HOUSE, Colored, 1402 Singleton Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JAMES MAURICE CANADY, 2502 Indian Trail, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOHN ERNEST FERGUSON, 705 West 32nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of RALPH RICHARDSON, Colored, 1401 Chicon Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILFRED MACK FLEMMINGS, Colored, 2206-B East 12th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of AUGUST HERMAN GROSSE, 1803 Willow Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HAROLD POEHL, 1626 East 3rd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of GARLAND MEDEARIS, Colored, 1406 Singleton Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WALTER H. STARK, 315 West 6th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of THOMAS VEALS, JR., Colored, 1405 Rosewood Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of ERNEST F. RAMEY, Colored, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Mayor Miller moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of MARTIN WOODS, Colored, 1625 East 8th Street, for a taxicab driver's permit, recommended for denial by the Police Department, was submitted. After considering the facts in the case, Councilman Glass moved that the permit be granted for ninety days probation, applicant to report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Q. I. BUNTON, Colored, for a taxicab driver's permit, recommended for denial by the Police Department, was submitted. After considering the facts in the case, Councilman Thornberry moved that the permit be granted for ninety days probation, applicant to report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LEONARD ODELL WILLIAMS for a taxicab driver's permit, recommended for denial by the Police Department, was submitted. After considering the facts in the case, Councilman Thornberry moved that the permit be granted for ninety days probation, applicant to report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of PIONEER PACKAGE STORE, 129½ West 7th Street, by S. Kopel, for a package store license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of CAPITOL LIQUOR STORE, 414 Barton Springs Road, by J. Kopel, for a package store license, duly approved by the City Manager, was submitted. Councilman Bartholomew, moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of THE ZANZIBAR, 407 East 6th Street, by Morris Olguin, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Rooke, Robert E., Jr- 103 Prather Hall	Ludington, Outboard, Johnson, 2-passenger
Naylor, W.E. - 815 West 11th Street	Wolverine, Outboard, New, Evenrude, 1947 Model, 5-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property located on the north side of West 11th Street as a private gasoline plant, which property is owned by the American Taxi Company, and is designated as

Lot 2, Block 133, of the Original City of Austin, Travis County, Texas, and hereby authorizes the American Taxi Company, through Frank Morgan, Manager, to operate a private gasoline plant consisting of a 1000-gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said American Taxi Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
May 15, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the American Taxi Company, through Frank Morgan, Manager, for permission to operate a private gasoline plant consisting of a 1000-gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of West 11th Street, which property is designated as Lot 2, Block 133, of the Original City of Austin, Travis County, Texas, and locally known as 410 West 11th Street.

This property is located in a "C" Commercial District and I recommend that this permit be granted, subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters' Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no

equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the southeast intersection of Burnet Road and West 51st Street, which property fronts 122.61 feet on West 51st Street and 118.41 feet on Burnet Road, and is known as Lots 11 and 12 of the A. F. Smith Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Kennedy Company, acting by and through Chester B. Kitchens to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Kennedy Company, acting by and through Chester B. Kitchens has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
May 15, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Kennedy Company, acting by and through Chester B. Kitchens, for permission to

construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located at the southeast intersection of Burnet Road and West 51st Street, which property fronts 122.61 feet on West 51st Street and 118.41 feet on Burnet Road and is known as Lots 11 and 12 of the A. F. Smith Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Chester B. Kitchens, and we hereby advise that the following conditions exist:

The property upon which the filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that the Kennedy Company, acting by and through Chester B. Kitchens be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances, and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type, and shall bear the label of Underwriters' Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-E-146 and shall be conducted by pipe connection from said sand trap into a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works' file number 2-E-364.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-E-364, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Mr. and Mrs. Serapio Sanchez, by David Pickle, Attorney.

I. Referred to the Board by the City Council on: May 1, 1947.

II. Property affected:

Lot 8, and the west one-half of Lot 7, Block C, Driving Park Addition, Outlot 50, Division "C", being located at the south-east corner of Canterbury and Anthony Streets and known as 2101 and 2103 Canterbury Street.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on: May 6, 1947

V. Parties appearing:

For : None

Against: None

VI. Action of the Board : Change not recommended.

For the following reasons:

1. The proposed change is requested for the purpose of operating a grocery store in a frame building which was erected and used commercially prior to the passage of the Zoning Ordinance but which has been converted to and used for living quarters.

2. The Sanborn insurance map in the Building Inspection Division shows that there are now three residences on this property other than the building in question.
3. An examination of the zoning maps of the City of Austin discloses the fact that the applicant's property is located across Canterbury Street from Metz School, approximately two blocks from the commercial area along East 1st Street, one and one-half blocks from a community center at Garden and Lynn Streets, and two blocks from a community center at Holly and Canadian Streets.
4. An appeal was recently made by the applicant to the Board for a variation to permit the operation of this grocery store, which variation was denied due to the fact that the original non-conforming use had been abandoned and the building used for the permitted use in this district, and that the Board would not be justified in granting a permit to reinstate a non-conforming use and perpetuate a non-conforming building since this building can be used for residential purposes in conformity with the Ordinance. It is also a general theory of zoning that non-conforming uses should be eliminated as early as possible and the land revert to its legal use.
5. The type of the existing building is such that it can easily be converted to a residential use which would be in keeping with the surrounding property.
6. It was brought out at the hearing before the Board on the appeal that the applicant proposed to sell the property to permit the operation of the grocery store.
7. This application is for the change of zoning on a single piece of property under single ownership which would also constitute a spot zone for the purpose of selling the property for commercial uses and not in response to any public demand or necessity since this area is already adequately provided with commercial zones.

(Sgd) H. F. Kushne
Chairman. "

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council of the City of Austin hereby approves as a filling station site the property located on the southeast intersection of East 13th Street and Chicon Street, which property fronts approximately seventy feet on East 13th Street and forty-seven feet on Chicon Street, and is known as the north portion of Lots 9 and 10, Block 1, out of Outlot 34,

Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Tears Funeral Home to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Tears Funeral Home has failed and refused, and will continue to fail and refuse to perform any such condition, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
May 15, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Tears Funeral Home for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the southeast intersection of East 13th Street and Chicon Street, which property fronts approximately 70 feet on East 13th Street and 47 feet on Chicon Street and is known as the north portion of Lots 9 and 10, Block 1, out of Outlot 34, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, and the property upon which this filling station is to be located is under lease to the Tears Funeral Home, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the Zoning maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that the Tears Funeral Home be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or

equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters' Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works' file Number 2-H-863.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-863 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works.

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE
ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON
THE PUBLIC STREETS OF THE City of Austin, PRE-
SCRIBING PENALTIES FOR THE VIOLATION OF SAME;
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES

IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "X", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 22(d) AND SECTION 22(e), RELATING RESPECTIVELY TO THIRTY MINUTE PARKING AND ONE HOUR PARKING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes: None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE LEVYING AN OCCUPATION TAX ON EVERY PERSON, FIRM, CORPORATION, OR ASSOCIATION OF PERSONS IN THE CITY OF AUSTIN NOW TAXED OR WHICH MAY HEREAFTER BE TAXED BY THE OCCUPATION TAXES OF THE STATE OF TEXAS; FIXING THE AMOUNT AND BASIS OF EACH OF SUCH TAXES AT ONE-HALF (1/2) OF THE RESPECTIVE STATE TAXES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote;

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The request of Murray Ramsey, on behalf of the North Austin Civic Club, for more police protection in Hyde Park, particularly the area on Guadalupe Street between 39th and 45th Streets at night, and recommendation that Captain Giles, retired fireman, be appointed to the job, was received. The matter was referred to the City Manager and the Police Department to give some relief, and for the City Manager to make his recommendations to the City Council.

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller.

MAYOR

Attest:

Hellie M. Keller

CITY CLERK